



Zoning Administrator Hearing

Minutes

Mizner Conference Room
Mesa City Plaza Building, Suite 130
20 East Main Street
Mesa, Arizona, 85201

John S. Gendron
Hearing Officer

DATE September 25, 2007 **TIME** 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Katrina Rodgers
Constance Bachman

Others Present

Jennifer Weskalnies
Richard Hale III
Greg Hitchens
Rick Wagner

CASES

Case No.: ZA07-100

Location: 6901 South 89th Place

Subject: Requesting a minor modification of a Planned Area Development (PAD) to allow: 1) a reduction in onsite parking; 2) a modification of the landscape requirement within the rear storage yard; and 3) a modification of the foundation base requirement for walls within the rear storage yard; all in the M-1-PAD zoning district.

Decision: Approved with the following conditions.

1. *Compliance with the site plan submitted.*
2. *The use of decomposed granite in the rear yard area shall be treated with a soiltac type agent that will dust proof that area and provide stabilization and re-applied as per manufacturers specifications.*
3. *Compliance with all conditions of approval set by DR07-109.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Jennifer Weskalnies represented the PAD modification request, noting that she did not have additional information to add to the record. Mr. Gendron discussed the request with the applicant and staff. Discussion included the amount of parking provided in relation to the POA requirements and paving of the rear storage. Mr. Hash provided a staff report and recommendation. Mr. Gendron agreed that the request was consistent with the intent of the original PAD approval and would be compatible with surrounding development.

Finding of Fact:

- The minor modification of a PAD provides relief from development standards that approved with zoning case Z05-090. That case provided setback requirements of 20' front, 7.5 rear, 20' street

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side, 15' and 7.5 side yards (0' and 15' setbacks where two buildings are adjoined at a common lot line).

- The development is consistent with the General Plan and the Gateway Commerce Park design guidelines. The proposed one story, 4,994 sf building is located on a 34,267 sf industrial lot and will be the future location of Precision Irrigation. The proposed building totals 15% lot coverage, with the remainder of the lot providing landscaping and parking fields in front. The building that be accessed by customers and a rear area be composed of recycled asphalt or DG gravel.
- Due to dust that could be produced by the use of DG in the rear yard area the use of a soilstac agent is recommended to dust proof the area and provide stabilization, that will be re-applied as per manufacturers specifications.
- The reduction of foundation base and landscaping in the rear yard areas are not viewable through the gates that separate the parking area from the rear yard. In addition to the use of DG surface, the applicant is requesting all use of extruded curbing be eliminated in the rear storage lot area due the maneuvering and loading of large track type earth moving equipment.
- The site plan and landscape plan are commensurate with development where large off road construction equipment and tools are stored. The applicant has provided a letter from the architectural committee for the Gateway Commerce Park approving the plan submitted and staff has no issue with the site as purposed.
- Strict compliance with current Code requirements would create an environment in the rear storage lot of the facility that would not be practical in regards to upkeep, maintenance and safety. The degree of relief from current code requirements for the proposed site is compatible with, and not detrimental to properties also being developed in the Gateway Commerce Park. The requested deviations related to parking would allow parking that meets City of Mesa standards. The approved case required a higher ratio fro parking at this development.

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Case No.: ZA07-101

Location: 420 North 83rd Place

Subject: Requesting variances to allow: 1) reduced side setbacks; and 2) lot coverage that exceeds the maximum permitted; both in conjunction with the development of a single residence home in the R1-43 zoning district.

Decision: Approved with the following conditions.
1. *Compliance with the site plan submitted.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Richard Hale represented the variance request, noting that he did not have additional information to present. Mr. Gendron discussed the request with the applicant and staff. Discussion included the County Zoning at the time of annexation, the size of the proposed house in comparison to existing development, and the utility easement. Mr. Hash provided a staff report and recommendation. Mr. Gendron agreed with the unique circumstances related to size of the parcel, the configuration of the lot, and the compatibility with the neighborhood in approving the variance.

Finding of Facts:

- The variance allows the reduction in the front yard from the required 30 feet to 20 feet and a reduction in the side yard from the required 10-foot one side and 30 feet total to 10 feet on each side. The variances would permit construction of a new home on an R1-43 zoned lot with has significant site development issues.
- The 11,609 sf lot was created in 1969 from a larger parcel and was annexed into the City of Mesa in 1985 and zoned to R1-43. Lots of this size are typically zoned R1-9 and carry a setback of 25 feet in the front and the rear and side of seven feet and total of 17 feet, which is much less then that of the R1-43 zoning district.
- The unique configuration of this lot with frontage extending around the radius of a Cul-de-Sac and the intersecting electrical easement that cuts through the middle of the lot reduces the buildable area to approximately 2,800 sf.
- Strict compliance of current Code requirements would deprive the owner from developing the lot comparable to neighboring properties that do not have the electrical easement that dissect the property.
- The conditions that exist on this lot are pre-existing and are not self imposed because the original land split that was completed in 1969 as well as the state law requirement to establish comparable zoning after annexation, which resulted the 11,609 sf parcel being zoned R1-43.
- The ability to construct a reasonable sized home on an existing, legally created, lot is not a grant of special privileges.

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- Case No.: ZA07-102
- Location: 2925 North Norwalk
- Subject: Requesting a Substantial Conformance Improvement Permit to allow expansion of an existing office/showroom in the M-1-PAD zoning district.
- Decision: Approved with the following conditions.
1. *Compliance with the site plan submitted, except as modified by the conditions below.*
 2. *Provision of one eight-foot by fifteen-foot (8'x15') landscape island for every eight (8) parking spaces unless covered by a shade structure.*
 3. *Replacement of all dead, dying, or removed landscaping shall be replaced as approved on the original landscape site plan.*
 4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Summary: Greg Hitchens represented the SCIP request, noting that he did receive a couple of phone calls that did not result in opposition and provided a letter of approval from the architectural review board. Mr. Gendron discussed the request with the applicant and staff. Discussion included the POA approval in relation to on-street parking, relation to original development, and the original approved site plan. Mr. Hash provided a staff report and recommendation. Mr. Gendron agreed the site plan provides substantial conformance in relation to existing development standards in approving the request.
- Findings:
- The Substantial Conformance Improvement Permit (SCIP) provides relief from current development standards related to foundation base requirements to allow a 5,346 sf expansion of the existing Wagner Tile (currently Red Mountain Interiors) facility.
 - The original structure was constructed in 2001, and at that time the facility was in compliance with the City of Mesa Zoning Ordinance. Original construction was limited to only half of the building approved through case Z99-099, due to budget constraints. During that construction, all parking, drive aisles and storage were fully developed in accordance with the zoning ordinance in effect at that time.
 - Since original construction foundation base requirements rendering the site. The SCIP has been justified, as compliance with current development standards would require significant alteration of buildings or parking fields. As further justification for the SCIP, the applicant is required to meet the greatest degree of conformance with current development standards that are possible.
 - Current Code requirements designate landscape islands to be provided for every eight parking spaces unless those spaces are covered. This requirement can be met without significant alteration of the site.
 - As part of the SCIP process the applicant is responsible for the replacement of any trees or shrubs that have died or that have been removed or altered from the originally approved landscape plan.

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- The strict compliance with current development standards would require the owner to demolish current structures and parking fields in order to meet current requirements. The proposed expansion is consistent with the intent of the approved site plan and will result in an addition that is compatible with, and not detrimental to, adjacent properties in the neighborhood.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:02 p.m.

The cases for this hearing were recorded and are available upon request.

Respectfully submitted,

John Gendron
Hearing Officer

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